

IC 20-26-9-19

Food and beverage items sold to students; nutritional values

Sec. 19. (a) This section does not apply to a food or beverage item that is:

- (1) part of a school lunch program or school breakfast program;
- (2) sold in an area that is not accessible to students;
- (3) sold after normal school hours; or
- (4) sold or distributed as part of a fundraiser conducted by students, teachers, school groups, or parent groups, if the food or beverage is not intended for student consumption during the school day.

However, this section applies to a food or beverage item that is sold in the a la carte line of a school cafeteria and is not part of the federal school lunch program or federal school breakfast program.

(b) A vending machine at an elementary school that dispenses food or beverage items may not be accessible to students.

(c) At least fifty percent (50%) of the food items available for sale at a school or on school grounds must qualify as better choice foods and at least fifty percent (50%) of the beverage items available for sale at a school or on school grounds must qualify as better choice beverages. Food and beverage items are subject to the following for purposes of this subsection:

- (1) The following do not qualify as better choice beverages:
 - (A) Soft drinks, punch, iced tea, and coffee.
 - (B) Fruit or vegetable based drinks that contain less than fifty percent (50%) real fruit or vegetable juice or that contain additional caloric sweeteners.
 - (C) Except for low fat and fat free chocolate milk, drinks that contain caffeine.
- (2) The following qualify as better choice beverages:
 - (A) Fruit or vegetable based drinks that:
 - (i) contain at least fifty percent (50%) real fruit or vegetable juice; and
 - (ii) do not contain additional caloric sweeteners.
 - (B) Water and seltzer water that do not contain additional caloric sweeteners.
 - (C) Low fat and fat free milk, including chocolate milk, soy milk, rice milk, and other similar dairy and nondairy calcium fortified milks.
 - (D) Isotonic beverages.

(3) Food items that meet all the following standards are considered better choice foods:

(A) Not more than thirty percent (30%) of their total calories are from fat.

(B) Not more than ten percent (10%) of their total calories are from saturated and trans fat.

(C) Not more than thirty-five percent (35%) of their weight is from sugars that do not occur naturally in fruits, vegetables, or dairy products.

(d) A food item available for sale at a school or on school grounds may not exceed the following portion limits if the food item contains more than two hundred ten (210) calories:

(1) In the case of potato chips, crackers, popcorn, cereal, trail mixes, nuts, seeds, dried fruit, and jerky, one and seventy-five hundredths (1.75) ounces.

(2) In the case of cookies and cereal bars, two (2) ounces.

(3) In the case of bakery items, including pastries, muffins, and donuts, three (3) ounces.

(4) In the case of frozen desserts, including ice cream, three (3) fluid ounces.

(5) In the case of nonfrozen yogurt, eight (8) ounces.

(6) In the case of entree items and side dish items, including french fries and onion rings, the food item available for sale may not exceed the portion of the same entree item or side dish item that is served as part of the school lunch program or school breakfast program.

(e) A beverage item available for sale at a school or on school grounds may not exceed twenty (20) ounces.

As added by P.L.54-2006, SEC.3.